



the Court's denial of a motion to dismiss based on the statute of limitations is not a final decision on the merits. As the Court made perfectly clear in its Orders, the statute of limitations issues raised by defendants may be more appropriate for summary judgment. See Orders, Doc. Nos. 33 at p. 6, 61 at p. 9. Defendants' motion to vacate (Doc. No. 63) is **DENIED**.

**IT IS SO ORDERED.**

Dated: October 16, 2014  
Kansas City, Missouri

/s/ Fernando J. Gaitan, Jr.  
Fernando J. Gaitan, Jr.  
United States District Judge